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6 **BEFORE THE**
7 **BOARD OF REGISTERED NURSING**
8 **DEPARTMENT OF CONSUMER AFFAIRS**
9 **STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 2011-751

11 **KATHRYN JEANNINE OZANICH, AKA**
12 **KATHRYN J. NELSON, AKA**
13 **KATHRYN J. PRATT**
14 **27501 Bancicci Road**
15 **Tehachapi, CA 93562**
16 **Registered Nurse License No. 509006**

DEFAULT DECISION AND ORDER

[Gov. Code, §11520]

Respondent.

17
18 **FINDINGS OF FACT**

19 1. On or about March 7, 2011, Complainant Louise R. Bailey, M.Ed., RN, in her official
20 capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer
21 Affairs, filed Accusation No. 2011-751 against Kathryn Jeannine Ozanich, aka Kathryn J. Nelson,
22 aka Kathryn J. Pratt (Respondent) before the Board of Registered Nursing. (Accusation attached
23 as Exhibit A.)

24 2. On or about February 27, 1995, the Board of Registered Nursing (Board) issued
25 Registered Nurse License No. 509006 to Respondent. The Registered Nurse License was in full
26 force and effect at all times relevant to the charges brought herein and will expire on July 31,
27 2012, unless renewed.

1 3. On or about March 7, 2011, Respondent was served by Certified and First Class Mail
2 copies of the Accusation No. 2011-751, Statement to Respondent, Notice of Defense, Request for
3 Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at
4 Respondent's address of record which, pursuant to California Code of Regulations, title 16,
5 section 1409.1, is required to be reported and maintained with the Board, which was and is:

6 27501 Bancicci Road
7 Tehachapi, CA 93562.

8 4. Service of the Accusation was effective as a matter of law under the provisions of
9 Government Code section 11505, subdivision (c) and/or Business & Professions Code section
10 124.

11 5. Government Code section 11506 states, in pertinent part:

12 (c) The respondent shall be entitled to a hearing on the merits if the respondent
13 files a notice of defense, and the notice shall be deemed a specific denial of all parts
14 of the accusation not expressly admitted. Failure to file a notice of defense shall
15 constitute a waiver of respondent's right to a hearing, but the agency in its discretion
16 may nevertheless grant a hearing.

17 6. On March 24, 2011 and on March 25, 2011, the aforementioned documents were
18 returned by the U.S. Postal Service marked "Unclaimed."

19 7. Respondent failed to file a Notice of Defense within 15 days after service upon her of
20 the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 2011-
21 751.

22 8. California Government Code section 11520 states, in pertinent part:

23 (a) If the respondent either fails to file a notice of defense or to appear at the
24 hearing, the agency may take action based upon the respondent's express admissions
25 or upon other evidence and affidavits may be used as evidence without any notice to
26 respondent.

27 9. Pursuant to its authority under Government Code section 11520, the Board finds
28 Respondent is in default. The Board will take action without further hearing and, based on the
relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as
taking official notice of all the investigatory reports, exhibits and statements contained therein on
file at the Board's offices regarding the allegations contained in Accusation No. 2011-751, finds

1 that the charges and allegations in Accusation No. 2011-751, are separately and severally, found
2 to be true and correct by clear and convincing evidence.

3 10. Taking official notice of its own internal records, pursuant to Business and
4 Professions Code section 125.3, it is hereby determined that the reasonable costs for Investigation
5 and Enforcement is \$2,450.00 as of April 5, 2011.

6 **DETERMINATION OF ISSUES**

7 1. Based on the foregoing findings of fact, Respondent Kathryn Jeannine Ozanich, aka
8 Kathryn J. Nelson, aka Kathryn J. Pratt has subjected her Registered Nurse License No. 509006
9 to discipline.

10 2. The agency has jurisdiction to adjudicate this case by default.

11 3. The Board of Registered Nursing is authorized to revoke Respondent's Registered
12 Nurse License based upon the following violations alleged in the Accusation which are supported
13 by the evidence contained in the Default Decision Evidence Packet in this case.:

14 a. **Convictions of Substantially Related Crimes.** Respondent was convicted of the
15 following crimes, which are substantially related to the qualifications, functions, and duties of a
16 registered nurse:

17 1. August 5, 2010 Conviction of Wet and Reckless Driving. On or about August
18 5, 2010, Respondent was convicted by the Court on a plea of nolo contendere for violating
19 Vehicle Code section 23103.5, subdivision (a), [wet and reckless driving], a lesser interlineated
20 misdemeanor count, in the Superior Court of California, County of Kern, Case no.: MM068629A
21 entitled the *People of the State of California v. Kathryn Jeannine Ozanich*.

22 The circumstances underlying the conviction are that on or about May 4, 2010,
23 Respondent drove a vehicle while having 0.08% and more, by weight, of alcohol in her blood.
24 Specifically, arrest reports showed that Respondent was tested to have .095/.094% of alcohol in
25 her system. Further, at the time of the arrest, Respondent admitted to police officers to having a
26 plastic cup of Bacardi and Coke located in the vehicle's center console.

27 2. January 5, 2000 Conviction of Disturbing the Peace. On or about January 5,
28 2000, Respondent was convicted by the Court on a guilty plea for violating one count of Penal

1 Code section 415 [disturbing the peace], a misdemeanor, in the Superior Court of California,
2 County of Tulare, Case no.: CR-M-99-0051864-2 entitled *The People of the State of California v.*
3 *Kathryn Jeannine Ozanich*. The original charge was for spousal abuse on December 28, 1999.
4 Respondent was sentenced to one day in jail and a \$120 fine.

5 Complainant now refers to and incorporates the allegations of paragraph 12, subparagraphs
6 12.a, 12.b, 12.c, of the Accusation, as if fully set forth.

7 b. **Dangerous Use of Alcohol.** Respondent engaged in unprofessional conduct when
8 she engaged in the behavior underlying her substantially-related convictions, as set forth above in
9 paragraph 3, subparagraphs 3.a.1, 3.a.2, which are now incorporated as if fully set forth.

10 Complainant also now refers to and incorporates the allegations of paragraph 12, subparagraphs
11 12.a, 12.b, and 12.c of the Accusation, as if fully set forth.

12 c. **Conviction Involving the Consumption of Alcohol.** Respondent engaged in
13 unprofessional conduct when she engaged in the behavior underlying her substantially-related
14 convictions, as set forth above in paragraph 3, subparagraphs 3.a.1, 3.a.2, which are now
15 incorporated as if fully set forth. Complainant also now refers to and incorporates the allegations
16 of paragraph 12, subparagraphs 12.a, 12.b, and 12.c of the Accusation, as if fully set forth.

17 **ORDER**

18 IT IS SO ORDERED that Registered Nurse License No. 509006, heretofore issued to
19 Respondent Kathryn Jeannine Ozanich, aka Kathryn J. Nelson, aka Kathryn J. Pratt, is revoked.

20 Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a
21 written motion requesting that the Decision be vacated and stating the grounds relied on within
22 seven (7) days after service of the Decision on Respondent. The agency in its discretion may
23 vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

24 This Decision shall become effective on July 8, 2011.

25 It is so ORDERED June 9, 2011.

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27 FOR THE BOARD OF REGISTERED NURSING
28 DEPARTMENT OF CONSUMER AFFAIRS

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50874043.DOC/ DOJ Matter ID:LA2011600179
Attachment: Exhibit A: Accusation

Exhibit A

Accusation

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3 HEATHER HUA
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7

8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. **2011-751**

12 **KATHRYN JEANNINE OZANICH, AKA**
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J. PRATT

A C C U S A T I O N

14 **27501 Bancicci Road**
15 **Tehachapi, CA 93562**
16 **Registered Nurse License No. 509006**

17 Respondent.

18
19 Complainant alleges:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Accusation solely in her
22 official capacity as the Executive Officer of the Board of Registered Nursing, Department of
23 Consumer Affairs.

24 2. On or about February 27, 1995, the Board of Registered Nursing issued Registered
25 Nurse License Number 509006 to Kathryn Jeannine Ozanich, aka Kathryn J. Nelson, aka Kathryn
26 J. Pratt (Respondent). The Registered Nurse License was in full force and effect at all times
27 relevant to the charges brought herein and will expire on July 31, 2012, unless renewed.
28

JURISDICTION

3. This Accusation is brought before the Board of Registered Nursing (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

5. Section 2764 of the Code provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license.

6. Section 2761 of the Code states:

"The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

....

"(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof.

7. Section 2762 of the Code states:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

....

"(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to

1 himself or herself, any other person, or the public or to the extent that such use impairs his or her
2 ability to conduct with safety to the public the practice authorized by his or her license.

3 "(c) Be convicted of a criminal offense involving the prescription, consumption, or
4 self-administration of any of the substances described in subdivisions (a) and (b) of this section,
5 or the possession of, or falsification of a record pertaining to, the substances described in
6 subdivision (a) of this section, in which event the record of the conviction is conclusive evidence
7 thereof.

8 8. California Code of Regulations, title 16, section 1444, states:

9 "A conviction or act shall be considered to be substantially related to the qualifications,
10 functions or duties of a registered nurse if to a substantial degree it evidences the present or
11 potential unfitness of a registered nurse to practice in a manner consistent with the public health,
12 safety, or welfare."

13 9. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
14 surrender, cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
15 disciplinary action during the period within which the license may be renewed, restored, reissued
16 or reinstated.

17 10. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
18 administrative law judge to direct a licentiate found to have committed a violation or violations of
19 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
20 enforcement of the case.

21 11. Section 490 of the Code states:

22 "A board may suspend or revoke a license on the ground that the licensee has been
23 convicted of a crime, if the crime is substantially related to the qualifications, functions, or duties
24 of the business or profession for which the license was issued. A conviction within the meaning
25 of this section means a plea or verdict of guilty or a conviction following a plea of nolo
26 contendere. Any action that a board is permitted to take following the establishment of a
27 conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has
28 been affirmed on appeal, or when an order granting probation is made suspending the imposition

1 of sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of the Penal
2 Code.”

3 **FIRST CAUSE FOR DISCIPLINE**

4 **(Conviction of Substantially Related Crimes)**

5 12. Respondent is subject to disciplinary action under section 2761, subdivision (f) and
6 490, in conjunction with California Code of Regulations, title 16, section 1444, in that
7 Respondent has been convicted of crimes substantially related to the qualifications, functions or
8 duties of a registered nurse, as follows:

9 a. On or about August 5, 2010, Respondent was convicted by the Court on a plea of
10 nolo contendere for violating Vehicle Code section 23103.5, subdivision (a), [wet and reckless
11 driving], a lesser interlineated misdemeanor count, in the Superior Court of California, County of
12 Kern, Case no.: MM068629A entitled the *People of the State of California v. Kathryn Jeannine*
13 *Ozanich*.

14 b. The circumstances underlying the conviction are that on or about May 4, 2010,
15 Respondent drove a vehicle while having 0.08% and more, by weight, of alcohol in her blood.
16 Specifically, arrest reports showed that Respondent was tested to have .095/.094% of alcohol in
17 her system. Further, at the time of the arrest, Respondent admitted to police officers to having a
18 plastic cup of Bacardi and Coke located in the vehicle's center console.

19 c. On or about January 5, 2000, Respondent was convicted by the Court on a guilty plea
20 for violating one count of Penal Code section 415 [disturbing the peace], a misdemeanor, in the
21 Superior Court of California, County of Tulare, Case no.: CR-M-99-0051864-2 entitled *The*
22 *People of the State of California v. Kathryn Jeannine Ozanich*. The original charge was for
23 spousal abuse on December 28, 1999. Respondent was sentenced to one day in jail and a \$120
24 fine.

25 **SECOND CAUSE FOR DISCIPLINE**

26 **(Dangerous Use of Alcohol)**

27 13. Respondent is subject to disciplinary action under section 2761, subdivision (a), on
28 the ground of unprofessional conduct, as defined in section 2762, subdivision (b), in that on or

1 about May 4, 2010, Respondent used alcoholic beverages to an extent or in a manner dangerous
2 or injurious to herself, and the public, when she operated a vehicle while being under the
3 influence of alcohol or drugs and having 0.08% and more, by weight of alcohol in her blood, as
4 more fully set forth above in paragraph 12, inclusive.

5 **THIRD CAUSE FOR DISCIPLINE**

6 **(Conviction Involving the Consumption of Alcohol)**

7 14. Respondent is subject to disciplinary action under section 2761, subdivision (a), on
8 the grounds of unprofessional conduct, as defined in section 2762, subdivision (c), in that on or
9 about August 5, 2010, Respondent was convicted of a crime involving the consumption of
10 alcohol, as more fully set forth above in paragraph 12, inclusive.

11 **PRAAYER**


12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
13 and that following the hearing, the Board of Registered Nursing issue a decision:

14 1. Revoking or suspending Registered Nurse License Number 509006, issued to
15 Respondent Kathryn Jeannine Ozanich, aka Kathryn J. Nelson, aka Kathryn J. Pratt;

16 2. Ordering Respondent Kathryn Jeannine Ozanich to pay the Board of Registered
17 Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to
18 Business and Professions Code section 125.3;

19 3. Taking such other and further action as deemed necessary and proper.

20
21 DATED: 3/7/11

22 *for* 
23 LOUISE R. BAILEY, M.ED., RN
24 Executive Officer
25 Board of Registered Nursing
26 Department of Consumer Affairs
27 State of California
28 Complainant